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FORT LAUDERDALE CITY COMMISSION  
NOVEMBER 6, 2001**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
November 6, 2001**

Meeting was called to order at 6:17 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Tim Smith  
Commissioner Carlton B. Moore  
Commissioner Cindi Hutchinson  
Commissioner Gloria Katz  
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sergeant Spencer

Invocation was offered by *Rabbi Edward M. Maline, D. D.*, Temple Emanu-El.

Pledge of Allegiance to the Flag.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

**Presentations ..... (OB)**

Expressions of Sympathy

Mayor Naugle presented Expressions of Sympathy, on behalf of the City Commission, to the families of *Ralph Adams Snow and Judge John Ferris*

Smoke Detector Test

Commissioner Smith demonstrated the proper way to test the batteries in a smoke detector and encouraged everyone at home to do the same.

#### Junior League Day/Holiday Park Junior League Play Station

Commissioner Katz read aloud and presented a Proclamation declaring November 6, 2001 as “*Junior League Day*” in the City of Fort Lauderdale. *Ms. Tracy Carrol*, President of the Greater Fort Lauderdale Junior League, accepted the Proclamation. She pointed out that the Junior League was celebrating its 100<sup>th</sup> anniversary of service in 296 communities in four countries. Ms. Carroll stated that the Junior League’s latest project in Fort Lauderdale involved the play station in Holiday Park. She presented a check to the City of Fort Lauderdale for this project in the amount of \$100,000, as well as copies of the Junior League’s Cookbook to each of the Commissioners. Mayor Naugle hoped everyone would visit this magnificent facility and expressed appreciation to the Junior League for making it possible.

#### Davis Flags/Donation of Flags for Fire-Rescue Vehicles

Fire Chief Otis Latin had a plaque for *Ms. Christine Davis, of Davis Flags*, in appreciation for the donation of American Flags for the City’s Fire-Rescue vehicles. Ms. Davis was not present, but Chief Latin noted that her store was located on Miami Road.

#### New River Middle School/Fund Raiser for Fallen Firefighters Fund

Mayor Naugle introduced *Ms. Jan Beal*, of New River Middle School, who recognized the students, teachers, and parents who had raised \$8,000 for the Fallen Firefighters Fund by selling shirts. She presented shirts to the City Commissioners along with “token bags” from New River Middle School. Fire Chief Latin accepted the check on behalf of the Firefighters. He explained that the Union had established this Fund to collect donations that would ultimately be forwarded to New York City. It was noted that this was the largest single donation received to date, and a Special Citation was presented to New River Middle School. Mayor Naugle presented a plaque to New River Middle School for its outstanding fund-raising efforts to benefit the families of the firefighters lost in the September 11, 2001 Attack on America.

#### 6. National Adoption Month

Commissioner Moore read aloud and presented a Proclamation declaring November “*National Adoption Month*” in the City of Fort Lauderdale. He encouraged anyone interested in providing permanent homes for special needs children to call (954) 272-3333 for more information. *Mr. Jim McElhannon*, of the Department of Children and Families, and *Mr. Jack Moss* accepted the Proclamation. Mr. McElhannon stated that there were currently 65 children available for adoption in Broward County, and every child needed the love and stability of permanent homes.

#### 7. Outstanding City Employees

The City Manager introduced department directors who recognized the following outstanding City employees:

- Safeea Ali, of the City Clerk’s Office;
- Darlene Pfeiffer, of the Finance Department;
- Lieutenant Mathew W. Adams, Firefighter Miguel A. Calle, and Firefighters/Paramedics Richardo R. Pardo and Michael O. Viveros, of the Fire-Rescue Department;

- Rosemary Collette, Art Saey, Harry Githens, Robert Simpkins, and Ted Owens, of the Public Services Department; and
- Detectives John Curcio and Liz Tylock, and Officers John Clark and Eugene McCoy, of the Police Department.

**Consent Agenda ..... (CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

**Event Agreement – Holiday Home and Garden Tour ..... (M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Victoria Park Civic Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Holiday Home and Garden Tour** to be held **Saturday and Sunday, December 1-2, 2001, from 1:00 p.m. to 6:00 p.m.**

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1639 from City Manager.

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**Event Agreement – Christmas on Las Olas/Las Olas For The Holidays ..... (M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Las Olas Merchants Association** to indemnify, protect, and hold harmless the City from any liability in connection with **Christmas on Las Olas/Las Olas For The Holidays** to be held **Tuesday, November 27, 2001 from 5:00 p.m. to 10:00 p.m., and Sunday, December 9, 2001 from 10:00 a.m. to 6:00 p.m.**; and further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue, and S.E. 8 Avenue, S.E. 9 Avenue, and S.E. 10 Terrace from East Las Olas Boulevard north and south to the alley on each side, from 12:00 noon to 11:00 p.m. Tuesday, November 27, 2001; and S.E. 9 Avenue from East Las Olas Boulevard to the alley on either side (leave Las Olas Boulevard open), from 6:00 am. to 8:00 p.m. Sunday, December 9, 2001.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1640 from City Manager.

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**Road Closing – Olympic Torch Run ..... (M-3)**

A motion authorizing the closing of the route for the **Olympic Torch Run** to be held through Fort Lauderdale on **Saturday, December 8, 2001** as follows: beginning at Marriott Marina on S.E. 17 Street at 9:00 a.m. and proceeding west to Andrews Avenue, north to Broward Boulevard, east to U.S. 1 (Federal Highway), north to Sunrise Boulevard, east to N.E. 15 Avenue, north to N.E. 13 Street, east to U.S. 1, south to Sunrise Boulevard, east to State Road A-1-A, south to Alhambra Street, crossing State Road A-1-A to the northbound lanes and continue heading south to Las Olas Boulevard, west to Downtown Development Authority (DDA) Plaza, where the Torchbearer will continue running along the Riverwalk to end at the Esplanade at 11:00 a.m. At 11:45 a.m., the Torch and procession will leave the Esplanade and proceed west on S.W. 2 Street to S.W. 7 Avenue, and will continue southbound on S.W. 7 Avenue/S.W. 4 Avenue to Bryant Peney Park, where the Torch will be placed on a vehicle to proceed to Dania Beach. The motion will further authorize the closing of S.W. 2 Street from S.W. 3 Avenue to S.W. 7 Avenue from 5:00 a.m. to 3:00 p.m., in order to accommodate the celebration at Esplanade.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 01-1625 from City Manager.

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**Transfer from General Fund Contingencies and Agreement for Consultant Services - Poole, McKinley & Blosser – Relocation of Juvenile Justice Facility at I-95 and Broward Boulevard (Konover Site Area) ..... (M-4)**

A motion authorizing the proper City officials to extend the services of Poole, McKinley & Blosser for the relocation of the Juvenile Justice Facility at I-95 and Broward Boulevard, and further authorizing the transfer of \$36,000 from General Fund Contingencies to the Economic Development account PED010101/3201 to fund such services.

**Funds:** See Memo

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 01-1523 from City Manager.

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**Disbursement of Funds/  
Joint Investigation – O. R. No. 99-133681 - \$1,884.89 U. S. Currency ..... (M-5)**

A motion authorizing the equitable disbursement of \$1,884.89 in funds, with each of the 17 participating agencies to receive \$110.87.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 01-9-2 from City Attorney.

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**Disbursement of Funds/  
Joint Investigation – O. R. No. 00-154244 - \$2,219.50 U. S. Currency ..... (M-6)**

A motion authorizing the equitable disbursement of \$2,219.50 in funds, with each of the 15 participating agencies to receive \$147.96.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 01-10-3 from City Attorney.

**Disbursement of Funds/**

**Joint Investigation – O. R. No. 01-1817 - \$39,973.34 U. S. Currency ..... (M-7)**

A motion authorizing the equitable disbursement of \$39,973.34 in funds, with each of the 15 participating agencies to receive \$2,664.88.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-10-4 from City Attorney.

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**Disbursement of Funds/**

**Joint Investigation – O. R. No. 00-99171 - \$5,075.42 U. S. Currency ..... (M-8)**

A motion authorizing the equitable disbursement of \$5,075.42 in funds, with each of the 16 participating agencies to receive \$317.21.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-10-5 from City Attorney.

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**Disbursement of Funds/**

**Joint Investigation – O. R. No. 00-011436 - \$132,505.37 U. S. Currency ..... (M-9)**

A motion authorizing the equitable disbursement of \$132,505.37 in funds, with each of the 15 participating agencies to receive \$8,833.69.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-10-2 from City Attorney.

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**Transfer from Law Enforcement Trust Fund (LETf) – The Starting Place -**

**Support of the Police Referral Outreach Program (PROP) for FY 2001/2002 ..... (M-10)**

A motion authorizing the transfer of \$25,000 from LETf to Fund 29 (Miscellaneous Grants) to support The Starting Place's PROP for FY 2001/2002; and further authorizing the proper City officials to execute all documents necessary, including an agreement with The Starting Place, to administer such funds.

**Funds:** Transfer \$25,000 from LETf to Fund 29 (Miscellaneous Grants)

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1634 from City Manager.

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**Agreement and Amendment – School Board of  
Broward County - School Resource Officers for School Year 2001/2002 ..... (M-11)**

A motion authorizing the proper City officials to execute an agreement and amendment with the School Board of Broward County for the City to provide ten (10) School Resource Officers in designated schools; and further authorizing the proper City officials to execute all documents necessary for funding of the School Resource Officers.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1602 from City Manager.

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**Change Order No. 2 – Subaqueous Services, Inc. –  
Project 10118 – Navigational Dredging of the North Fork New River ..... (M-12)**

A motion authorizing the proper City officials to execute Change Order No. 2 with Subaqueous Services, Inc. in the amount of \$47,000 for additional dredging of the North Fork New River.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1661 from City Manager.

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**Sanitary Sewer Agreement –  
Harold F. Reichert, Jr. and Sheri L. Reichert,  
Corporate Properties Holding, Inc. and Real Estate Holdings, Inc. –  
Proposed Development for AutoNation (Mercedes-Benz of Fort Lauderdale) ..... (M-13)**

A motion authorizing the proper City officials to execute a sanitary sewer agreement with Harold F. Reichert, Jr. and Sheri L. Reichert, Corporate Properties Holding, Inc. and Real Estate Holdings, Inc. for connection to the City's wastewater transmission system for the proposed development of AutoNation Mercedes-Benz of Fort Lauderdale, located on the southwest corner of State Road 84 and U.S. 1 (South Federal Highway).

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1690 from City Manager.

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**Combine Riverwalk Tree Fund with  
Commemorative Tree Canopy Trust Fund ..... (M-14)**

A motion authorizing the combination of the account titled "Riverwalk Tree Fund" (450112) containing \$104,868.27 with the account titled "Commemorative Tree Canopy Trust Fund" (450160) containing \$122,110, to be used for tree canopy services and inventory on a citywide basis.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1149 from City Manager.

**Amendment to Task Order – Keith and Schnars (Professional General/Civil Engineering Consultant Services) – Project 10174 – Public Administrative Programs (City Hall) Space Planning and Feasibility Study .. (M-15)**

A motion authorizing the proper City officials to execute an amendment to the task order with Keith and Schnars in the amount of \$9,650 for additional work related to the Public Administrative Programs (City Hall) Space Planning and Feasibility Study.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1664 from City Manager.

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**Reimbursement of Costs – Florida East Coast Railway Company (FEC) – Maintenance of Utilities at Railway Crossings ..... (M-16)**

A motion authorizing the payment of \$11,306.28 to the FEC for maintenance improvements at railway crossings.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1660 from City Manager.

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**Transfer from General Fund Contingencies - Title Work to Obtain Easements for the N.E. 14 Avenue Canal Planting Strip ..... (M-17)**

A motion authorizing the proper City officials to transfer \$15,000 from General Fund Contingencies to the Public Services, Property Management and Acquisition/Other Services account (PS040103/3299) for title work to obtain easements to stabilize the “planting strip” along the N.E. 14 Avenue Canal.

**Funds:** Transfer \$15,000 from General Fund Contingencies to the Public Services, Property Management and Acquisition/Other Services account (PS040103/3299).

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1691 from City Manager.

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**Military Pay for Employee Reservists Called to Active Duty ..... (M-18)**

A motion creating a policy to comply with the Governor's directive to enact provisions to raise military pay equal to civilian pay, with existing benefits, for those City employees called to active duty as a result of the September 11, 2001 terrorist attacks.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1697 from City Manager.

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## **PURCHASING AGENDA**

### **Miscellaneous Contracts – Personal Computer Purchase Plan FY 01-02 ..... (Pur-1)**

The personal computer purchase plan for FY 2001-02 is being presented for approval by the Administrative Services, Information Technology Division.

Low Responsible Bidders:	Various Vendors
Amount:	\$ 460,500.00 (estimated)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 01-1627 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the personal computer plan and purchases from Florida State and other competitively bid contracts.

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### **Florida Sheriff's Assoc. Contract – (35) Ford Crown Victoria ..... (Pur-2)**

An agreement to purchase 35 additional marked Ford Crown Victoria police interceptor automobiles is being presented for approval by the Administrative Services, Fleet Services Division.

Low Responsible Bidder:	Duval Ford Jacksonville, FL
Amount:	\$ 791,980.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 01-1624 from City Manager

The Purchasing Division recommends award from the Florida Sheriff's Association Contract with approval to transfer \$424,390 from General Fund Contingencies (FD001-9950) as follows: \$197,650 to Service Charge/Fleet (POL020401-4373), \$10,000 to Gasoline (POL020401-3801), and \$216,740 to Computer Equipment (POL020602-6404).

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**Florida Sheriff's Association Contract – (28) Ford Crown Victoria ..... (Pur-3)**

An agreement to purchase 28 additional marked Ford Crown Victoria police interceptor automobiles is being presented for approval by the Administrative Services, Fleet Services Division.

Low Responsible Bidder: Duval Ford  
Jacksonville, FL  
Amount: \$ 633,584.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-1636 from City Manager

The Purchasing Division recommends award from the Florida Sheriff's Association Contract with approval to appropriate and transfer \$63,473 from General Fund Contingencies to GLLEBG03 (\$63,473 was approved with budget adjustments for transfer from DEA Confiscated Property Fund, Fund 107, to General Fund for this cash match). Appropriate and transfer \$18,000 from DEA Confiscated Property Fund (Fund 107) to GLLEBG03. Appropriate \$94,920 from Law Enforcement Confiscated Property Fund (Fund 104) to Service Charge/Fleet (POL050201-4373).

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**Bid 712-8558 – One Rotary Mower ..... (Pur-4)**

An agreement to purchase one rotary mower is being presented for approval by the Administrative Services, Fleet Services Division.

Low Responsible Bidder: Turner Outdoor Equipment  
Delray Beach, FL  
Amount: \$ 32,500.00  
Bids Solicited/Rec'd: 15/4 with 1 no bid  
Exhibits: Memorandum No. 01-1645 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to award tie bid to the selected vendor.

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**Contract 582-7993 – Increase Funds/Investment Manager Services ..... (Pur-5)**

An agreement to increase amount of funds under investment manager services contract is being presented for approval by the Finance, Treasury Division.

Low Responsible Bidder: Public Financial Management, Inc.  
Orlando, FL  
Amount: \$ 75,000.00 (estimated annual)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-1679 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve increased investment funds and related annual contract fee.

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**Proprietary – Maintenance for PROS/DCOPS Interface ..... (Pur-6)**

An agreement to purchase an annual maintenance agreement for PROS/SCOPS interface is being presented for approval by the Police Department.

Low Responsible Bidders:        Analysis Central System  
   Tiburon, CA  
Amount:                                \$ 17,415.00  
Bids Solicited/Rec'd:            N/A  
Exhibits:                              Memorandum No. 01-1675 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

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**Proprietary – Contract/Mobile Data System Maintenance ..... (Pur-7)**

One-year contract for Mobile Data System maintenance is being presented for approval by the Police Department.

Low Responsible Bidders:        Motorola, Inc.  
   Schaumburg, IL  
Amount:                                \$ 60,433.56  
Bids Solicited/Rec'd:            N/A  
Exhibits:                              Memorandum No. 01-1676 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

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**Proprietary – Police Recruitment Training ..... (Pur-8)**

An agreement to purchase police recruitment training is being presented for approval by the Police Department.

Low Responsible Bidders:        Broward Community College/  
   Criminal Justice Institute  
   Fort Lauderdale, FL  
Amount:                                \$ 114,350.00  
Bids Solicited/Rec'd:            N/A  
Exhibits:                              Memorandum No. 01-1638 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

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**Proprietary – Maintenance/Timekeeping Software and Hardware ..... (Pur-9)**

An agreement to purchase annual maintenance for timekeeping software and hardware is being presented for approval by the Public Services Department.

Low Responsible Bidders: Kronos, Inc.  
Boston, MA  
Amount: \$ 22,658.40  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-1571 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

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**Proprietary – Rebuild Clarifier No. 7 ..... (Pur-10)**

An agreement to purchase engineering services, labor and materials to rebuild Clarifier No. 7 is being presented for approval by the Public Services Department

Low Responsible Bidder: Baker Hughes (EIMCO)  
Salt Lake City, UT  
Amount: \$ 361,522.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-1530 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

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**Bid 722-8573 – Office Paper Recycling Materials ..... (Pur-11)**

A three-year contract for receipt of office paper recycled materials is being presented for approval by the Public Services Department.

Low Responsible Bidder: Smurfit-Stone Recycling Co.  
Fort Lauderdale, FL  
Amount: \$ 10,710.00 (estimated annual revenue)  
Bids Solicited/Rec'd: 25/1 with 1 no bid  
Exhibits: Memorandum No. 01-1509 from City Manager

The Purchasing Division recommends award to single responsive and responsible bidder.

**Emergency Purchase of Wastewater Pumping Services ..... (Pur-12)**

An emergency purchase of wastewater pumping services is being presented for approval by the Public Services Department.

Low Responsible Bidder: Johnson Septic Tank Services  
Fort Lauderdale, FL  
Amount: \$ 27,875.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-1605 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the emergency purchase of services per Section 2-190(b) of the Code of Ordinances.

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**Contract 602-8274– Expenditure Increase/Pipe Restraint Assemblies ..... (Pur-13)**

An agreement to increase expenditure for pipe restraint assemblies is being presented for approval by the Public Services Department.

Low Responsible Bidder: SEMSCO  
Davie, FL  
Amount: \$ 46,170.05 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-1633 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the increased expenditure.

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**Proprietary – Annual Support/Purchasing Software ..... (Pur-14)**

One-year agreement to purchase annual support for Purchasing software is being presented for approval by the Administrative Services, Information Technology Division.

Low Responsible Bidder: Periscope Holdings, Inc.  
Austin, TX  
Amount: \$ 19,100.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-1671 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

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**Florida Sheriff's Association Contract – (1) Cargo Van ..... (Pur-15)**

An agreement to purchase one cargo van is being presented for approval by the Administrative Services, Fleet Services Division.

Low Responsible Bidder:	Maroone Fleet Pembroke Pines, FL
Amount:	\$ 17,654.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 01-1642 from City Manager

The Purchasing Division recommends award from the Florida Sheriff's Association Contract.

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At 6:58 P.M., Commissioner Moore left the meeting.

Mayor Naugle announced that Consent Agenda **Item No. M-4** had been deleted from the agenda by staff.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-2, M-3, M-12, M-13, M-14, Pur. 1, Pur. 2, and Pur. 12 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

At 6:59 P.M., Commissioner Moore returned to the meeting.

**Event Agreement – Christmas on Las Olas/  
Las Olas for the Holidays ..... (M-2)**

Commissioner Hutchinson inquired about the traffic plan for this event. She noted that the memorandum indicated the new Las Olas Traffic and Parking Plan implemented during the Labor Day Art Fair had been very effective, but the memo did not indicate that Plan would be used. Mr. Steve Person, Recreation Superintendent, said that plan would be used for this event.

*Mr. Michael Kasten*, President of the Council of Fort Lauderdale Civic Associations, stated that no one had contacted the Association or the residents about this event. He wanted to know if leaders of the surrounding neighborhoods would be included in discussions before the event. Mr. Person reported that the area homeowners' associations were notified that this event would come to the Commission today as a matter of regular procedure. In addition, when details for the event were finalized, representatives of the affected neighborhoods would be invited to participate. Commissioner Hutchinson requested notification of the meeting so she could attend.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent agenda Item No. M-2 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.



**Road Closing – Olympic Torch Run ..... (M-3)**

Commissioner Hutchinson asked if there would be opportunities for residents to apply to be able to run during the Olympic Torch Run. She wondered if the public had been informed in this regard beyond a mention on the City's web site. Ms. Leslie Backus, Director of Communications, replied that notice had been sent to all the civic associations for two months. Information had also been provided on the web site, on Channel 38, and in an issue of "Focus." She advised that there were three ways people could apply to run – through the organizing committee, through the Coca Cola Company, and through the General Motors Corporation.

Commissioner Hutchinson asked if a list of those running had been established. Ms. Backus replied that a list had not yet been provided. She explained that the organizing committee was keeping that information "close to the vest," and the route had not been publicized either. It was her understanding that such information would be released about three weeks before the event.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item No. M-3 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Change Order No. 2 – Subaqueous Services, Inc. –  
Project 10118 – Navigational Dredging of the North Fork New River ..... (M-12)**

Commissioner Hutchinson asked if this involved the same project about which she kept receiving complaints of spillage on the road and a mess in someone's yard. Mr. Asaad Akar, Engineering Division, said this was that project, and he had spoken to Mr. Taylor, who should now be satisfied. Commissioner Hutchinson asked staff to keep an eye on the situation. Mayor Naugle added that he had received complaints that work was starting at 6:30 a.m.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Item No. M-12 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Sanitary Sewer Agreement – Harold F. Reichert, Jr. and  
Sheri L. Reichert, Corporate Properties Holding, Inc. and  
Real Estate Holdings, Inc. – Proposed Development for  
AutoNation (Mercedes-Benz of Fort Lauderdale) ..... (M-13)**

Commissioner Hutchinson asked if there was any money involved in this item. Mr. Hector Castro, City Engineer, replied that the dealership would be required to do this installation at its own expense, and the City would incur no costs. Further, when sewers became available on the west side of Federal Highway, the dealership would be required to abandon the pump system and tie-in. He also advised that as part of the permit, the City would ensure that restoration of the roadway was completed.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M-13 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Combine Riverwalk Tree Fund with  
Commemorative Tree Canopy Trust Fund ..... (M-14)**

Commissioner Katz wondered if it was legally possible to use this money for trees throughout the City since there seemed to be a specified use for the dollars. Mr. Phil Thornburg, Parks Superintendent, advised that Recreation Department staff had been working with the City Attorney's Office. The City Attorney said that to the extent that this would affect the rights of donors or beneficiaries of the Trust Fund, their consent would be obtained before implementing this type of change. Therefore, there would be no violation of the rights or commitments made to donors.

Commissioner Katz pointed out that Riverwalk had not been completed, and there was an area on the south side that would need plenty of trees. She did not understand why these trees would not be used in that area in the future. Commissioner Hutchinson agreed the south side was in need of attention. Mr. Thornburg advised that this money would also be used for the south side of Riverwalk, and it was a matter of combining the funds into one account to use throughout the City. Nevertheless, there were plenty of funds for that area as well.

Commissioner Katz noted that some of the money would also be used for computer hardware and software. She felt it should be used for trees on Riverwalk. Commissioner Katz suggested that a determination be made as to the number of trees needed for the south side, and if there were any left over, they could be used throughout the City. She felt Riverwalk should be the top priority. Mr. Thornburg said that staff could do that, but the intent was to combine the tree trust for the entire City with the \$122,000 from the Performing Arts Center. However, sufficient funds could be maintained in this account for the south side of Riverwalk, if that was the Commission's desire.

Commissioner Katz understood the idea behind combining the accounts, but the back-up material indicated that money would be used for trees, tree plaques, irrigation, computer hardware, and software. She felt it should all be used for trees, specifically Riverwalk trees. Commissioner Hutchinson agreed. She had no objection to combining the funds, but she felt the money should be used for trees, particularly on Riverwalk.

Mr. Thornburg said there was no problem deleting the computer system and seeking other funds for that purpose. He advised that if the idea was to use the money only for trees on Riverwalk, it would probably be a better idea to keep the funds separate. However, \$122,000 would be earmarked for Riverwalk.

Commissioner Smith suggested this item be deferred because a proposal had been presented by Dania Farms near the Airport. He explained that the City had its own small tree farm, but trees were not grown there very successfully. Therefore, Dania Farms had offered to plant the City's six-acre tree farm, which would then be available to the City. He thought there was an opportunity to leverage dollars by getting involved in this arrangement. The City Manager said that staff had been pursuing the idea of an arrangement with Dania Farms, and he preferred to **withdraw** this item for now.

**Miscellaneous Contract – Personal Computer Purchase Plan FY 01-02 ..... (Pur. 1)**

Commissioner Katz noted that there was a long list of computers that would be replaced in connection with this item. She asked if the hardware had to be upgraded in order to deal with upgraded software. She also wondered if the new software was necessary because the current software was not performing as necessary. Mr. Kirk Buffington, Purchasing Manager, stated that hardware was not recycled for auction until it was “on its last legs.”

Mr. Tim Edkin, Information Technology Director, stated that computers did wear out, particularly when they were used eight to ten hours a day, five days per week. Although the software would still operate, they could become very inefficient in terms of maintenance and were sometimes replaced. Mr. Edkin also advised that when new versions of existing applications came out, the upgrades could cause slowdowns or other problems.

Commissioner Katz asked if replacement of the 1998 computers could be delayed. Mr. Edkin replied that was a possibility in some cases, and this plan involved replacements throughout the year, so some would not take place until later in the year.

**Motion** made by Commissioner Katz and seconded by Commissioner Moore that Consent Agenda Item No. Pur. 1 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Florida Sheriff’s Association Contract –  
35 Ford Crown Victorias ..... (Pur. 2)**

Commissioner Katz pointed out that two different sums of money had been mentioned in the back-up material. She understood the amount listed in the memorandum was the correct amount. Mr. Kirk Buffington, Purchasing Manager, agreed there had been some confusion in this regard. He stated that the transfer amount involved was \$207,650 from General Fund Contingencies, but the total amount for these 35 cars was \$791,980.

**Motion** made by Commissioner Katz and seconded by Commissioner Moore that Consent Agenda Item No. Pur. 2 be approved as clarified. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Emergency Purchase of Wastewater Pumping Services ..... (Pur. 12)**

Commissioner Katz understood the City already had contracts with two companies for these services, yet a third company had been called, and she wondered why. Mr. Kirk Buffington, Purchasing Manager, said he had asked the same question, and he had sent letters to both of the two contract vendors. He had put them on notice that if they were again unresponsive to the City’s needs under their contracts, the contracts would be canceled. He advised that he had received responses, and there had been some communication problems on the part of the City and the contractors. Mr. Buffington said this should not happen again in the future.

Commissioner Hutchinson wondered if the work would have been less expensive if one of the two existing contractors had been used. Mr. Buffington thought it would have cost about half as much, so he had put the contractors on notice that their contracts would be canceled if this occurred again.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Katz that Consent Agenda Item No. Pur. 12 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: Commissioner Moore.

## **MOTIONS**

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

### **Settlement of**

#### **Workers Compensation Claim File No. WC-98-10105 (Joseph Corsaro) ..... (M-19)**

A motion was presented authorizing the settlement of Workers Compensation Claim File No. WC-98-10105 (Joseph Corsaro) in the amount of \$100,000.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to authorize the settlement of Workers Compensation Claim File No. WC-98-10105 (Joseph Corsaro) in the amount of \$100,000. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

#### **Lien Settlements – Special Master and Code Enforcement Board Cases ..... (M-20)**

A motion was presented authorizing proposed settlements for the following Special Master and Code Enforcement Board cases:

1. CE00120066 – Isma Saintermise, 1500 N.W. 8 Avenue (\$2,105)
2. CE00120063 – Isma Saintermise, 1444 N.W. 8 Avenue (\$1,805)
3. CE00040870 – Franco Antimucci, Linda Antimucci, Gianpiero Daverio, 3001 East Commercial Boulevard (\$6,270)
4. CE01040533 – William H. Rusch, 33 N.E. 2 Street No. 101 (\$1,220)
5. CE00020767 – Dominic L. Ciavatto and Sharon P. Ciavatto, 1016 Guava Isle (\$3,425)
6. CE99030832 – Robb Archibald and John Willing, 403 N.W. 1 Avenue (\$4,000)
7. CE00050071 – Sunny Isles Motel Corporation and Roosevelt Avenue Corporation, 4000 North Federal Highway (\$2,000)
8. CE00050895 – Principals By The Sea, Inc., 2839 Vistamar Street (\$2,040)
9. CE98030307 – Waltraud Pawlik, 1614 S.E. 1 Street (\$5,600)
10. CE00101679 – Luther A. Holland, 1004 N.W. 6 Street (\$1,240)
11. 9307667 – J. S. And Grace Burwell, 525 West Sunrise Boulevard (\$1,995)
12. 9511605 – Barry J. Binkley and Jean L. Binkley, 1891 S.W. 37 Terrace (\$3,000)
13. CE00061430 – Pamela Smoke, 2100 N.E. 14 Court (\$350)
14. CE00100478 – Delila M. Harpel, 1801 N.E. 45 Street (\$4,520)
15. CE99090235 – George Koski and Elizabeth C. Koski, 1737 N.E. 17 Terrace (\$1,275)
16. CE00120311 – Willie E. Muccing and Fay S. Muccing, 1507 N.W. 8 Avenue (\$2,380)
17. CE98120154 – R. G. and Barbara Burns, 1510 S.W. 21 Street (\$3,700)
18. CE01061303 – Father and Son Portfolios, Inc., 1028 N.W. 6 Avenue (\$1,200)
19. CE99081728 – Joseph Lee Woodall, 2650 S.W. 18 Street (\$1,545)

8. CE00050895 – Principals By The Sea, Inc., 2839 Vistamar Street (\$2,040)

Commissioner Smith said he had received a call today indicating that there was a boarded hotel on Vistamar Street that had been in poor condition for quite awhile. He wondered if this was the same property. Mr. John Simmons, Community Inspections Supervisor, replied that it was not the same property and agreed to provide a report tomorrow about the property to which Commissioner Smith had referred.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to authorize the settlement of the specified Special Master and Code Enforcement Board cases, with the exceptions of Items 7, 9 and 12. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

7. CE00050071 – Sunny Isles Motel Corporation and Roosevelt Avenue Corporation, 4000 North Federal Highway (\$2,000)

Commissioner Katz wished to bring to everyone's attention that this case involved the old Roxy's, and she wanted to ensure it would be a good neighbor if the City was going to reduce the fines. Mayor Naugle asked her if she wanted to delete the item at this time and invite representatives to appear. Commissioner Katz wanted to do that, and this property was deleted from the list.

9. CE98030307 – Waltraud Pawlik, 1614 Southeast 1<sup>st</sup> Street (\$5,600)

Commissioner Moore asked if a structure had been added. Mr. Simmons explained that there had been a storage room at the back that had been converted into a living unit in order to rent it. Commissioner Moore did not feel this settlement was appropriate. Mr. Simmons stated that testimony had been offered indicating that the property had been in this condition at the time the property was purchased. Commissioner Moore was not supportive of the settlement. Commissioner Hutchinson felt the lien amount of \$11,325 was adequate. No action was taken to approve the settlement.

12. 9511605 – Barry J. Binkley and Jean L. Binkley, 1891 Southwest 37<sup>th</sup> Terrace (\$3,000)

Commissioner Moore wished to table this particular settlement. Commissioner Hutchinson wondered how fines of \$149,800 had accrued on a case involving trash and an inoperable vehicle on a property. Commissioner Moore felt the property owner had simply ignored the process. Mr. Simmons stated that everyone always had their reasons, and there was a problem with the amount of the property mortgage.

**Lease Agreement – Fort Lauderdale Historical Society, Inc. –  
New River Inn, School House Replica, Philemon Bryan House,  
King Cromartie House, and Historical Society Research and Archives Building ..... (PH-1)**

A public hearing was scheduled to consider a resolution authorizing the proper City officials to execute a fifty (50) year lease agreement with the Fort Lauderdale Historical Society, Inc. for use of the New River Inn, School House Replica, Philemon Bryan House, King Cromartie House, and Historical Society Research and Archives Building, in accordance with Section 8.13 of the City Charter. Notice of the public hearing was published on October 25, 2001 and November 1, 2001.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to defer consideration of this item to November 20, 2001 at 6:00 p.m. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Appeal of Planning and Zoning Board Decision**

**Denying Right-of-Way Vacations – Portions of S.E. 2 Avenue,  
S.E. 1 Avenue, S.W. 7 Street, S.E. 6 Court, and S.E. 3 Avenue –  
E. Fredrico Fazio (PZ Case Nos. 14-P-01, 15-P-01,  
17-P-01, 19-P-01 and 20-P-01)** ..... (PH-2)

At the Planning and Zoning regular meeting of August 15, 2001, the following application was **denied** by a vote of 0 to 7 for PZ Case No. 14-P-01, 0 to 7 for PZ Case No. 15-P-01, 1 to 6 for PZ Case No. 17-P-01, 1 to 6 for PZ Case No. 19-P-01, and 0 to 7 for PZ Case No. 20-P-01. Notice of the public hearing was published on September 20 and 27, 2001, and October 4 and 11, 2001. At the October 16, 2001 meeting, first reading was deferred to November 6, 2001 by a vote of 5 to 0.

Applicant: E. Fredrico Fazio  
Request: Vacate rights-of-way  
Location: Various

Mayor Naugle called for those who wished to be heard. The following appeared:

Ms. Angela Csinsi, Construction Services, explained that this case was before the Commission as an appeal of the Planning & Zoning Board's denial for vacation of certain rights-of-way. She stated that these PZ Cases had been reviewed at the DRC meeting of May 8, 2001, and all of them met the criteria with the exception of Case No. PZ 20-P-01. She advised that the Planning & Zoning Board considered these matters in August.

Ms. Csinsi said that given future needs for right-of-way on Southeast and Southwest 7<sup>th</sup> Street, Planning staff felt the full 60' right-of-way should be retained. She noted that the Comprehensive Plan supported staff's recommendation in that the City should ensure that rights-of-way were planned to ensure availability of facilities to support proposed development. Further, the Land Use Element called for the provision of a pedestrian-friendly environment in downtown zoning districts. Ms. Csinsi added that the Traffic Circulation Element also supported this recommendation.

Ms. Csinsi pointed out that the Engineering Division had provided a recommendation in the back-up material and believed the 60' right-of-way would satisfy engineering standards with respect to PZ Case No. 20-P-01. Mayor Naugle requested clarification of the location, and Ms. Csinsi advised it related to 7<sup>th</sup> Street. As to the other subject cases, staff supported the vacations as proposed.

Commissioner Hutchinson understood Florida Power & Light Company had some interest in Case No. 20-P-01. Ms. Csinsi was not aware of that interest.

*Mr. John Milledge*, Attorney representing the applicant, stated that 7<sup>th</sup> Street seemed to be the only vacation at issue. He referred to the October 10, 2001 staff report, in which it was indicated that a 60' right-of-way was necessary. However, as noted by Engineering, this proposal included maintaining 50' of road right-of-way and 5' of sidewalks and easement on each side, which would provide a functional corridor. Mr. Milledge stated that diagrams had been provided, and all of these plats had existing 40' streets. For instance, 7<sup>th</sup> Street was currently within a 40' existing right-of-way with a 10' perimeter.

Mr. Milledge stated that this proposal involved the vacation of only the outermost 5' and rededicating it to the City as a sidewalk and utility easement. He displayed a diagram of the area in question and pointed out existing and proposed conditions. Mr. Milledge pointed out that even if a decision was made to "max out" 7<sup>th</sup> Street, there would still be space in the corridor, although that was an unlikely scenario in any case. He said that this 7<sup>th</sup> Street vacation was necessary in order for the applicant to move forward on the 17 villas being proposed on that road.

Commissioner Hutchinson asked if Case No. 20-P-01 related to the area east or west of Andrews Avenue. Mr. Milledge replied that it ran from Southwest 4<sup>th</sup> Avenue to U.S. 1. Commissioner Hutchinson said she had recently met with FP&L representatives, and she understood that company had asked the applicant to take this vacation off the table right now. *Mr. Fred Fazio*, applicant, said he had spoken with Jean Salem, and she had asked him to maintain this request.

Commissioner Hutchinson was concerned about conflicting information. She was not comfortable discussing anything west of Andrews Avenue at this time. Mr. Fazio believed that FP&L supported this request because it would need the same thing later if FP&L was allowed to proceed with their development plans. Mayor Naugle suggested that the Commission consider 7<sup>th</sup> Street east of Southwest 3<sup>rd</sup> Avenue only. Commissioner Hutchinson supported that suggestion because the President of Tarpon River had been led to believe that this would not be an issue tonight. Mr. Fazio did not object.

*Mr. Jeff Falkanger*, Architect representing the applicant, pointed out the boundaries of the proposed project, which had been reviewed by the DRC. Mayor Naugle thought one option would be to consider these vacations as development proposals were brought forward rather than approving the vacations without knowing what might be presented in the future. He felt the same way about the vacation on Southwest 3<sup>rd</sup> Avenue. Mr. Falkanger advised that 17 units were proposed, and he displayed several graphics of the proposed building.

Commissioner Katz asked why the vacation requests had not been processed during the planning for the villa project. Mr. Falkanger said the applicant had been working on multiple pieces of property, but this was the only project he was working on. Mr. Milledge explained that Mr. Fazio had wanted to approach all of the properties in a comprehensive fashion. Commissioner Smith noted that the project would not have required Commission approval, so even if that had been started at the same time, the vacation requests would have moved through to the City Commission with DRC approval of the project prior to that time.

Commissioner Hutchinson asked if the villa project had been examined by the Planning & Zoning Board. Mr. Falkanger replied that it had. Mr. Fazio stated that he had tried to start the process in March a year ago, and he had hoped for something more manageable. He said that he wanted the same things as the City Commission, and he agreed to pull the request related to the area west of 3<sup>rd</sup> Avenue due to concerns involving FP&L. Mr. Fazio did not believe staff had any objection to the proposal, and if nothing was done with property dedicated for public use, it was supposed to be reconveyed.

Mr. Fazio did not feel any “canyon effect” would be created by the proposal, and the intent was to provide a pedestrian-friendly environment. He did not believe having buildings set way back from the sidewalks accomplished that intent because there was nothing interesting provided for people walking along.

Commissioner Hutchinson understood the vacations did not involve area where anything would be built. Rather, it was simply for right-of-way purposes. Mr. Chris Barton, Construction Services, said there was a fundamental difference involved in the acceptance by the City, for engineering purposes, of the easement and acceptance from a planning perspective. He explained that Engineering was primarily interested in space for roads, utilities and sidewalks. However, from a planning standpoint, granting an easement allowed a property owner to move a building 5’ closer to the corridor, and the Comprehensive Plan called for preservation of setbacks, and vacation changed the setbacks. Mr. Barton stated that engineering needs could be met with the easements as suggested, but planning needs could not necessarily be met if easements were accepted in lieu of right-of-way.

Mr. Barton advised that the villa project could be built now without this vacation, with a few minor exceptions. He acknowledged that the low walls defining the courtyard would have to be pulled back about 5’, but the building walls could remain in their currently proposed locations. He noted that the upper balconies that extended into the setbacks would also have to be eliminated because they projected about 3’ into the setback. Therefore, the low balconies on the front would be lost, and the courtyard walls would have to be moved back. Commissioner Hutchinson inquired about landscaping. Mr. Barton did not believe that would be affected because the landscaping could be placed within the right-of-way or in an easement.

Commissioner Smith noted that great cities had pedestrian-friendly downtowns with buildings close to the sidewalks. He understood the primary objection of Planning staff was that the Comprehensive Plan required the preservation of setbacks. Commissioner Smith thought they were probably wrong with respect to this particular part of the City. However, he was concerned about future transit needs. Mr. Barton stated that 7<sup>th</sup> Street was one of the few streets that extended from Federal Highway to Southwest 4<sup>th</sup> Avenue, so it was one of the few opportunities for a thoroughfare as this part of the downtown area grew. He felt the corridors needed to be preserved.

Commissioner Smith said this issue presented him with a dilemma because he wanted low-scale development such as this three-story townhouse development in the core of the downtown that had not had any new residential projects. On the other hand, he was concerned about the need to address mass transit in the future. He wondered if Mr. Fazio would be willing to contribute to the new Transit Fund to bring real, friendly mass transit projects to the downtown area.



*Mr. Tony Nolan*, of Williams, Hatfield & Stoner, said that from a practical standpoint the vacation of the right-of-way with the outside 5' provided exactly the same corridor that existed today. He had reviewed transit alternatives with the County, and everything fit. He pointed out that there would be a 14' bus lane, two 12' travel lanes, plus sidewalks, curbs and gutters on both sides.

Commissioner Smith believed Mr. Fazio was one of the City's best downtown citizens and wondered if he would be willing to contribute some modest amount to the Transit Fund. Mr. Fazio said he had started buying this land about 30 years ago, and he had been paying taxes on it ever since, and he was making no money on it. He wanted to be a good citizen and had even voted to tax himself further when he was a member of the Downtown Development Authority.

Commissioner Smith thought a contribution of \$5,000 made a lot of sense. Mr. Fazio said he would be happy to make that payment if it would please Commissioner Smith. Commissioner Katz did not want to say that a developer could pay \$5,000 to ruin a street in terms of mass transit. She pointed out that 10' sidewalks might be desired in the future, for example, and there was no plan yet. Further, Commissioner Katz was concerned about the precedent until a plan had been established. In the meantime, she did not think it was wise to give up property that might be needed in the future.

Commissioner Moore agreed with everyone's comments, but he did not feel this property owner should be punished because a decision about use of the right-of-way in the future had not yet been made. He felt there came a time to be reasonable and, if a certain amount of property was needed, property owners should be made aware of it. If a property owner could not be given that information, Commissioner Moore thought they should be asked to be considerate of future possibilities. He understood how frustrating it must be to develop property under these circumstances. He thought that in Mr. Fazio's place, he would ask the City to either purchase the property or demonstrate the public need within a reasonable timeframe.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Commissioner Hutchinson asked Mr. Barton about current setbacks. Mr. Barton stated that the building had to be set back 5' from the property line. With the easement, the building would be 10' from the new property line. He explained that the building would be the same distance from the street in either case, but the courtyard walls would have to be moved back as they were currently shown 3' from the edge of a 5' sidewalk. Therefore, as the street grew, that sidewalk could only be expanded up to 8' with placement right next to the wall. Mr. Barton said that there would be a 3' landscaped strip between the wall and the 5' sidewalk, and there was additional landscaping between the sidewalk and the street. He noted that if the vacation were not granted, there would be a future opportunity for up to 13' of sidewalk and green space instead of 8'.

Commissioner Moore wondered if funding was anticipated for any of the mass transit concepts. Mayor Naugle believed that in order to provide such mass transit systems, it would be necessary to condemn significant amounts of property, including existing buildings. Commissioner Moore understood that even if this applicant provided the space, something like a light rail transit system would still not be possible because of the other existing structures on the roadway. Commissioner Katz pointed out that there was no way of knowing if those existing structures would stay. Commissioner Moore understood that, but this would affect a particular development today on the basis of an "if" in the future. Further, no one even knew yet if that would be desirable in the future anyway. He did not think reserving land on that basis was reasonable.

Commissioner Katz believed the Commission had decided that a pedestrian-friendly environment with transit opportunities were top priorities in the downtown area. She did not think that would ever happen if everyone did not start working toward that end now. Commissioner Moore understood that but, in this case, the cost of condemning other properties to accommodate the goal would be significant. He thought it make sense in other areas, but not in this case.

Commissioner Smith felt that by asking Mr. Fazio to contribute to the Transit Fund sent a message that these types of projects would either require sufficient road width or a similar contribution because this sort of amenity was needed downtown.

Commissioner Katz wondered how this vacation would affect the other properties on the street. Mr. Barton replied that there was a varying right-of-way width. In some cases, buildings were close to the property lines, and the City might have to purchase additional right-of-way in the future to accommodate transit. However, there had also been discussion about placing 7<sup>th</sup> Street on the Trafficways Plan, and there was also a possibility that as properties along the street came in with plans for redevelopment, the additional 5' dedication could be requested. He noted that there was another proposal pending for an office building, and there were some pre-applications involving other properties on the street.

Commissioner Moore understood there were various possibilities in terms of the future, but he wondered when a decision would be made. Mr. Barton acknowledged that there was no downtown master plan at this time. Commissioner Moore did not think the City should hold property owners in a "quagmire" because no decision had been made. He understood this applicant had been working on this project for 2 years. Mr. Fazio agreed it would be 2 years in March. He pointed out that there was law in this regard with respect to reconveying property to the original owners if it was not used within a certain period of time.

*Mr. Bruce Chatterton* recalled that at the last Commission Workshop, the idea of a limited downtown study had been discussed, and he believed that would cover this area. He thought it would take at least a year to develop a plan and determine what right-of-way widths would be necessary. Mayor Naugle pointed out that in the meantime, this project would at least generate some pedestrian traffic. He noted that most developers were constructing office buildings, and this was the type of project that was desired. Mayor Naugle felt this project would be advantageous to the City. He also pointed out that there were 5 traffic lanes on Andrews Avenue right outside City Hall with 45' of right-of-way. Mayor Naugle noted that reducing lane width was another possibility. He was comfortable approving the vacations east of Andrews Avenue, although he had reservations about those to the west.

Commissioner Katz asked if a condition could be imposed that the vacation would only take place if this particular development moved forward. The City Attorney stated that the City could not condition a request for vacation on a site plan, but the ordinance vacating the right-of-way could take effect upon a later act, such as this project being built. He did not think the applicant would have any objection because that was what he was suggesting. Mr. Fazio indicated no objection.

Commissioner Hutchinson asked if there was room for a transit lane as well as cars. Mr. Hector Castro, City Engineer, replied that the 50' right-of-way and easements on either side, the transportation needs of the corridor could be met from an engineering standpoint. He said this was more of a setback issue than an engineering issue. Commissioner Hutchinson supported the vacations east of Andrews Avenue.

Commissioner Hutchinson introduced the following ordinance on first reading (PZ Case No. 14-P-01):

ORDINANCE NO. C-01-49

AN ORDINANCE VACATING, ABANDONING AND CLOSING THE SOUTH 5 FEET OF THE ADDITIONAL THOROUGHFARE DEDICATIONS NORTH OF AND ADJACENT TO PARCEL "A", "QUINN'S PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 17 AND NORTH OF AND ADJACENT TO PARCELS "A" AND "C", "NANCY'S PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 14, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF SOUTHEAST 6<sup>TH</sup> COURT, BETWEEN SOUTHEAST 1<sup>ST</sup> AVENUE AND SOUTHEAST 3<sup>RD</sup> AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioner Katz.

At 8:18 P.M., Commissioner Hutchinson left the meeting.

Commissioner Moore introduced the following ordinance on first reading (PZ Case No. 17-P-01):

ORDINANCE NO. C-01-50

AN ORDINANCE VACATING, ABANDONING AND CLOSING THE WEST 5 FEET OF THE ADDITIONAL THOROUGHFARE DEDICATION EAST OF AND ADJACENT TO PARCEL "B", "QUINN'S PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE WEST SIDE OF SOUTHEAST 2<sup>ND</sup> AVENUE IMMEDIATELY SOUTH OF SOUTHEAST 7<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, and Mayor Naugle. NAYS: Commissioner Katz.

Commissioner Moore introduced the following ordinance on first reading (PZ Case No. 19-P-01):

ORDINANCE NO. C-01-51

AN ORDINANCE VACATING, ABANDONING AND CLOSING THE EAST 5 FEET OF THE ADDITIONAL THOROUGHFARE DEDICATION WEST OF AND ADJACENT TO PARCEL "A", "QUINN'S PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE EAST SIDE OF SOUTHEAST 1<sup>ST</sup> AVENUE, BETWEEN SOUTHEAST 6<sup>TH</sup> COURT AND SOUTHEAST 7<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, and Mayor Naugle. NAYS: Commissioner Katz.

At 8:21 P.M., Commissioner Hutchinson returned to the meeting.

Commissioner Moore introduced the following ordinance, as amended, on first reading (PZ Case No. 20-P-01):

ORDINANCE NO. C-01-52

AN ORDINANCE VACATING, ABANDONING AND CLOSING PORTIONS OF THE ADDITIONAL THOROUGHFARE DEDICATIONS ADJACENT TO THE NORTH AND SOUTH RIGHT-OF-WAY LINES OF SOUTH 7<sup>TH</sup> STREET AND AS SHOWN ON "TRIO PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 38; "SCHERER TRUST" PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 19; "QUINN'S PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 17; "NANCY'S PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 14 AND "BILBO'S PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 16; ALL AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE NORTH AND SOUTH SIDES OF SOUTH 7<sup>TH</sup> STREET BETWEEN SOUTHWEST 3RD AVENUE AND SOUTH FEDERAL HIGHWAY, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioner Katz.

**Performing Arts Center Authority (PACA) Budget for Fiscal Year 2001/2002 .....(R-1)**

A resolution was presented approving PACA's budget for Fiscal Year 2001/2002. Mayor Naugle congratulated the PACA on paying off its mortgage.

*Mr. Carl Mayhue*, of the PACA, stated that this was now a professional institution that had come a long way.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-189

A RESOLUTION OF THE CITY COMMISSION FO THE CITY OF FORT  
LAUDERDALE, FLORIDA, APPROVING THE BUDGET OF THE PERFORMING  
ARTS CENTER AUTHORITY FOR FISCAL YEAR 2001/2002.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Citizen Presentations ..... (CP)**

1. Mr. Richard Winer – Yard Sale Signs

Mr. Winer said he was not opposed to yard sales. In fact, he enjoyed them, but yard sale signs were prohibited from being posted on public property in Fort Lauderdale, and that was not being enforced. He did not think it should be enforced, but he felt yard sale signs should be regulated. Mr. Winer noted that homeowners often failed to remove yard sale signs afterwards, and he felt those who did so should be fined because cars were driving around neighborhoods looking for yard sales that were already over. He felt this caused a traffic and safety hazard. Mr. Winer thought the letters should be at least 2” tall so people could read them without causing traffic problems, and he did not think any more copy should be allowed than “yard sale” and the address. He noted that the signs were also eyesores. In the meantime, he felt the existing ordinance should remain in place.

Mayor Naugle called expired signs “ghost sales,” and he was not sure what the solution should be. He felt everyone in neighborhoods should help pull down signs that were expired. Mr. Winer thought 2” letters should be required so people could read them without stopping in traffic. Commissioner Hutchinson agreed that would be helpful. She often frequented yard sales, and she agreed with Mr. Winer, but she was not sure how they should be regulated. Commissioner Hutchinson advised that some association newsletters made use of poems to remind people to remove old yard sale signs, and she understood other cities regulated yard sales.

**Amendment to Section 24-47 –**

**Royal Palm Frond Removal Service – Las Olas Isles Neighborhoods..... (O-1)**

An ordinance was presented amending Section 24-47 of the Code of Ordinances, entitled “Charges Generally,” to provide for Royal Palm frond removal service to the Las Olas Isles neighborhoods and establish service charges. Notice of the proposed ordinance was published on October 27, 2001 and was approved on first reading October 16, 2001 by a vote of 5-0.

Commissioner Katz understood this involved a pilot program that would be brought back to the Commission in six months. At that time, she wanted to see the hard and the soft costs.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-48

AN ORDINANCE AMENDING SECTION 24-47, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "CHARGES GENERALLY," PROVIDING FOR ROYAL PALM FROND REMOVAL SERVICE TO THE LAS OLAS ISLES NEIGHBORHOODS AND ESTABLISHING SERVICES CHARGES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Katz. NAYS: Mayor Naugle.

**SunTrust Leasing Corporation – Borrow \$822,500 for the Purchase of Police Vehicles - Personally Assigned Vehicle (PAVE) Program ..... (R-2)**

A resolution was presented authorizing the proper City officials to execute all documents necessary to borrow \$822,500 from SunTrust Leasing Corporation to fund the purchase of police vehicles for the PAVE Program.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-190

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE UTILIZATION OF THE SUNTRUST LEASING CORPORATION MASTER LEASE FINANCE PROGRAM TO FINANCE THE PURCHASE OF POLICE VEHICLES.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Executive Airport – Joint Participation Agreement (JPA) with Florida Department of Transportation (FDOT) – Roadway, Drainage or Security Improvements ..... (R-3)**

A resolution was presented authorizing the proper City officials to execute a JPA with FDOT for the City to accept up to 80 percent of the costs associated with Executive Airport roadway, drainage or security improvements.

Commissioner Moore introduced a written resolution:

RESOLUTION NO. 01-191

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING A GRANT FOR PARTIAL FUNDING FOR PERIMETER ROAD SYSTEM, DRAINAGE AND SECURITY IMPROVEMENTS AT FORT LAUDERDALE EXECUTIVE AIRPORT; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, TO RECEIVE SUCH GRANT FUNDING.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Executive Airport – Supplemental Joint Participation Agreement (JPA) with Florida Department of Transportation (FDOT) - Aircraft Rescue and Firefighting/Emergency Operations Center (ARFF/EOC) Facility ..... (R-4)**

A resolution was presented authorizing the proper City officials to execute a supplemental JPA with FDOT for the City to accept an additional \$500,000 of the costs associated with the design and construction of the new ARFF/EOC building at Executive Airport, increasing the State's participation for the project to \$960,000.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-192

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING A SUPPLEMENTAL GRANT FOR PARTIAL FUNDING FOR THE DESIGN AND CONSTRUCTION OF A NEW AIRPORT RESCUE AND FIRE FIGHTING STATION AND EMERGENCY OPERATIONS CENTER AT FORT LAUDERDALE EXECUTIVE AIRPORT; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, TO RECEIVE SUCH GRANT FUNDING.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Executive Airport – One-Month Rent Abatement for Aviation Leases .....(R-5)**

A resolution was presented authorizing the City to provide each Aviation Lessee a one-month rent abatement for the month of November 2001, to assist in alleviating adverse economic conditions experienced as a result of the terrorist attacks of September 11, 2001.

Commissioner Moore could not support this. Commissioner Katz also had a problem with the idea. She asked how many tenants were involved. Mr. Bill Crouch, Airport Manager, replied that there were 19 lessees who would benefit from this action. Commissioner Katz asked how many of them were owned by the same company. Mr. Crouch advised that there were several prime lessees that had more than one lease. For instance, one had three prime leases, and another had five. Commissioner Katz wondered if there were any assurances that this savings would be passed along to the "little guys." Mr. Crouch replied that it would be up to the prime lessees as to how to disburse the funds to "trickle down" to the individual hangar occupants. In addition, they could use the funds to make up any costs from lack of business, hangar vacancies, or increased costs.

Commissioner Katz did not mind giving a break to the "little guys," but she had a problem with giving a break to someone who had eight of these leases. She thought the City needed the relief just as much. Mayor Naugle noted that the Aviation Advisory Board had recommended approval, and he thought this was the right thing to do as the landlord, particularly since there were still planes that were grounded and could not fly.

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 01-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR A ONE-MONTH RENT ABATEMENT TO EACH OF THE 19 AVIATION LESSEES AT FORT LAUDERDALE EXECUTIVE AIRPORT.

Which ordinance was read by title only. Roll call showed: YEAS: Mayor Naugle. NAYS: Commissioners Smith, Moore, Hutchinson and Katz.

**Executive Airport –**

**Lease Amendment – World Jet, Inc./R. D. Whittington - Lease for**

**Lots 50 and 51 and Consent to Sublease with Hutchings Technology, Inc. .... (R-6)**

A resolution was presented authorizing the City to consent to the requested sublease between World Jet, Inc. and Hutchings Technology, Inc.; and further authorizing the World Jet, Inc. lease for Lots 50 and 51 be amended to update the language pertaining to leasehold mortgagee rights and assignment and subleasing, and deleting the provision requiring the payment of 1 percent net aircraft sales.

Commissioner Katz requested additional information. Mr. Bill Crouch, Airport Manager, explained that this would delete the lease term requiring the payment of 1% of net aircraft sales. Commissioner Katz wondered why he was suggesting it. Mr. Crouch explained that during the early years of the Airport's development, leases had not included this term. He thought 1% of gross sales would probably have been more appropriate, but staff had found that there was unequal treatment with other leases that did not contain this term. Mr. Crouch said the Federal Aviation Administration (FAA) was very strict with respect to discriminating by having such a term in one lease and not in another. Therefore, staff had started eliminating these types of terms several years ago.



The City Attorney believed Mr. Crouch was indicating that the FAA essentially had a fairness requirement. He did not think it would necessarily be found unlawful, if challenged, but it could be considered unfair. Mr. Crouch added that there were 4 leases remaining at the Airport that still contained this term. As the leases were presented for renewal, the term was being removed. Mr. Crouch pointed out that the City had never derived any revenue because it called for 1% of net sales. He also advised that the Aviation Advisory Board had recommended this housekeeping issue.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-193

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A FOURTH AMENDMENT TO LEASE AGREEMENT WITH REGINALD D. WHITTINGTON, JR., D/B/A WORLD JET, PROVIDING FOR UPDATED TERMS AND CONDITIONS PERTAINING ASSIGNMENTS, SUBLETTING, AIRCRAFT SALES, AND THE RIGHTS AND OBLIGATIONS OF LEASEHOLD MORTGAGEES; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT AND APPROVAL TO SUBLEASE WITH REGINALD D. WHITTINGTON, JR., D/B/A WORLD JET, AS SUBLESSOR AND HUTCHINGS TECHNOLOGY, INC. AS SUBLESSEE, EACH PERTAINING TO LOTS 50 AND 51 AT FORT LAUDERDALE INDUSTRIAL AIRPARK, SECTION 2.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Special Assessment – Project 9793 – Harbour Isles  
Neighborhood Improvement Project – Declaration of Intent ..... (R-7)**

A resolution was presented declaring the City's intention to make entranceway beautification improvements within the Harbour Isles Neighborhood; describing the nature and location of the proposed improvements; providing for the estimated cost of the improvement; providing for the manner in which said assessments shall be made, when said assessments shall be made, when said assessments are to be paid and designating the lands upon which the special assessments shall be levied. (Please see Item R-8 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. A-01-1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THE INTENT TO INSTALL ENTRANCEWAY BEAUTIFICATION IMPROVEMENTS IN THE HARBOUR ISLES AREA AND TO DEFRAY THE EXPENSE BY SPECIAL ASSESSMENTS; DESCRIBING THE NATURE AND LOCATION OF THE PROPOSED IMPROVEMENTS; PROVIDING FOR THE ESTIMATED COST OF THE IMPROVEMENTS; PROVIDING FOR THE MANNER IN WHICH SAID ASSESSMENTS SHALL BE MADE, WHEN SAID ASSESSMENTS ARE TO BE PAID AND DESIGNATING THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Special Assessment – Project 9793 – Harbour Isles  
Neighborhood Improvement Project – Schedule Public Hearing ..... (R-8)**

A resolution was presented authorizing the City Commission to set a date and time of December 11, 2001 at 6:00 p.m. for a public hearing on the Harbour Isles Neighborhood improvement project and assessment roll. (Please see Item R-7 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. A-01-2

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THE DATE, TIME AND PLACE TO HOLD A PUBLIC HEARING AT WHICH OWNERS OF PROPERTY TO BE ASSESSED AND OTHER INTERESTED PERSONS MAY APPEAR TO BE HEARD ON THE HARBOUR ISLES OF FORT LAUDERDALE, INC. INLET BEACH IMPROVEMENTS SPECIAL ASSESSMENT PROJECT; PROJECT NO. 9793, AND THE SPECIAL ASSESSMENTS PROPOSED TO BE LEVIED TO PAY THE COST FOR SUCH IMPROVEMENTS.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Amendment to Resolution No. 01-01 – Conveyance of Property  
to the Northwest Neighborhood Improvement District (NWNID) ..... (R-9)**

A resolution was presented authorizing the amendment of Resolution No. 01-01, which transferred certain properties owned by the City to the NWNID for development of affordable housing. (Also see Item NWNID on the Conference Agenda and Items R-10 and R-11 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-194

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 01-01 WHICH AUTHORIZED THE PROPER CITY OFFICIALS TO CONVEY CERTAIN PUBLIC PROPERTIES TO THE NORTHWEST NEIGHBORHOOD IMPROVEMENT DISTRICT TO REVISE THE LIST OF PROPERTIES TO BE CONVEYED.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Intent to Convey Property to the Fort Lauderdale Community  
Redevelopment Agency (CRA) – Redevelopment of Sweeting Estates Area ..... (R-10)**

A resolution was presented determining and declaring the City's intent to convey certain public property to the Fort Lauderdale CRA for redevelopment of the Sweeting Estates Area; and further designating a public hearing scheduled for December 18, 2001 to consider such proposal. (Also see Item NWNID on the Conference Agenda and Items R-9 and R-11 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-195

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DETERMINING AND DECLARING ITS INTENTION TO CONVEY CERTAIN PUBLIC PROPERTIES OT THE FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY FOR REDEVELOPMENT WITHIN THE NORTHWEST-PROGRESSO-FLAGLER HEIGHTS COMMUNITY REDEVELOPMENT AREA, AND DESIGNATING A DATE AND TIME FOR A PUBLIC HEARING UPON SUCH PROPOSAL.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Intent to Convey Property to the Housing Authority  
of the City of Fort Lauderdale for Development of Affordable Housing ..... (R-11)**

A resolution was presented determining and declaring the City's intent to convey certain public property to the Housing Authority of the City of Fort Lauderdale development of new affordable housing; and further designating a public hearing scheduled for December 18, 2001 to consider such proposal. (Also see Item NWNID on the Conference Agenda and Items R-9 and R-10 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-196

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DETERMINING AND DECLARING ITS INTENTION TO CONVEY CERTAIN PUBLIC PROPERTIES TO THE HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE FOR DEVELOPMENT OF NEW AFFORDABLE HOUSING, AND DESIGNATING A DATE AND TIME FOR A PUBLIC HEARING UPON SUCH PROPOSAL.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Broward County Proposed Plan Amendment to Create a Transit-Oriented Transportation Concurrency Process ..... (R-12)**

A resolution was presented requesting Broward County designate the entire City as a transit-oriented community for concurrency purposes, identify an alternative funding source to replace impact fees for projects located within designated Community Redevelopment Agencies (CRA's), evaluate multiple public funding sources for transit improvements, direct the Metropolitan Planning Organization (MPO) to create a permanent process to involve each city in identifying the priority projects and levels of service within the Transportation Concurrency Management Area (TCMA).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE INCLUSION OF THE CITY AS A TRANSIT-ORIENTED COMMUNITY FOR PURPOSES OF A STUDY TO BE CONDUCTED BY BROWARD COUNTY.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Building Board-Up and Securing Charges ..... (R-13)**

A resolution was presented authorizing the proper City officials to impose liens against such properties for costs associated with boarding and securing the buildings.

Commissioner Hutchinson asked if 1714 Southwest 24<sup>th</sup> Street was on State Road 84. Ms. Lori Milano, Community Inspections Director, did not know off hand but agreed to provide that information.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-198

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION 202 OF THE SOUTH FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERTIES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Demolition of Building ..... (R-14)**

At its September 20, 2001 meeting, the Unsafe Structures and Housing Appeals Board recommended that the City demolish the building at the following address and assess the property with associated costs.

1. 1270 Northwest 9th Street

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-199

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ORDERING THE DEMOLITION OF THE BUILDING OR BUILDINGS UPON EACH PROPERTY LEGALLY DESCRIBED IN THE ATTACHED SCHEDULE "A," BECAUSE OF NON-COMPLIANCE WITH THE SOUTH FLORIDA BUILDING CODE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Appointment of Susan Delegal as Special Counsel ..... (OB)**

A resolution was appointed appointing Susan Delegal, of the firm Holland & Knight, to act as Special Counsel to the City for the review of a complaint indicating that the City's personnel records practices were not consistent with Attorney General Opinion No. 94-54.

Commissioner Hutchinson asked if \$250 per hour was the normal rate. The City Manager believed it was normal for the type of work to be done and for the caliber of the individual doing the work. Commissioner Smith asked if there was an estimate of total cost. The City Manager thought the number of hours involved would be minimal in light of the significance of the issue, so he estimated the cost would be less than \$5,000.

Commissioner Moore thought it seemed as if people were making all sorts of allegations, and the City Attorney had examined the issue and indicated that there seemed to be no truth to this particular allegation. He felt the Commission should put more resources and time into the fiscal responsibilities of the City. Commissioner Moore thought it was time to “get off this treadmill,” although he would support this resolution. Commissioner Katz said she was comfortable with the response the City Attorney had provided, but she would also support the resolution if the City Manager would be more comfortable with this review.

Mayor Naugle did not support this action. Commissioner Hutchinson did not feel it was necessary in light of her conversation with the City Attorney. Mayor Naugle had not received any information. The City Attorney stated that this request had been prompted by his statement to the City Manager that it might be appropriate since his office had been the subject of the allegations contained in the complaint. Therefore, an independent opinion would be appropriate.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-200

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING SUSAN DELEGAL, OF THE FIRM HOLLAND & KNIGHT, TO ACT AS SPECIAL COUNSEL TO THE CITY.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, and Katz. NAYS: Commissioner Hutchinson and Mayor Naugle.

**Advisory Board Appointments ..... (OB)**

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Budget Advisory Board	Ken Cooper
Community Appearance Board	Robert Missal Jack Mertz Francis Lyn

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-201

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

At 8:55 P.M., Mayor Naugle adjourned the meeting.

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Jim Naugle  
Mayor

ATTEST:

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Lucy Masliah  
City Clerk